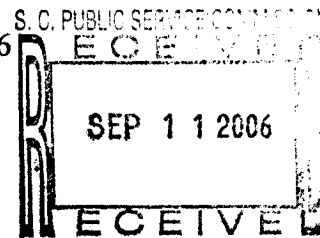


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009-12060

1253 Harllees Bridge Rd  
Dillon S.C. 29536  
Ph/Fax: 843 841 1606

September 7, 2006



Mr. Charles L.A. Terreni  
Chief Clerk/Administrator  
S.C. Public Service Commission  
P.O. Drawer 11649  
Colombia S.C. 29211  
Ph: 1803 896 5113; Fax: 1 803 896 5231

Dear Mr. Terreni:

Subject: Order No. 2006-522 Appointing Hearing Officer Dated  
September 1, 2006

Ref: Mr. Len Anthony's Letter Dated August 29, 2006.  
Progress Energy Petition No. 2004-219-E

Enclosed please find **for the record**, my letter dated August 31, 2006 concerning the Commission's Agenda to consider appointing a Hearing Officer. It is my response to Mr. Anthony's letter dated August 29, 2006 which was the first I heard of the matter. Unfortunately, due to my medical condition, I have not been able to remit my response prior to this date. It contains a couple of questions I wish to have answered at your convenience.

I appreciate the Commission's consideration in continuing this matter and appointing a Hearing Officer. In that connection I have several questions I request you to address at your earliest convenience concerning the scope and contents of the Commission's terms of reference to the Hearing Officer.

The Order states that the appointment of the Hearing Officer, "...is in order to ... **dispose of certain remaining procedural matters** pursuant to S.C. Code Ann. Section 58-3-40 (Supp.2005). See, Para. 1, Line 4.

Further, a Hearing Officer "...may hear and determine **procedural motions, or other matters** not determinative of the merits of the proceedings."

Additionally, the Hearing Officer, "... has **full authority**, subject to being overruled by the Commission, **to rule on questions concerning the conduct of the case and other matters.**" Para.2 Lines 2-5. And is directed "... to deal with any remaining procedural matters in this case." Para. 3, Line3.

1. Please Define the Scope of the Hearing, and the Terms of Reference in more detail.

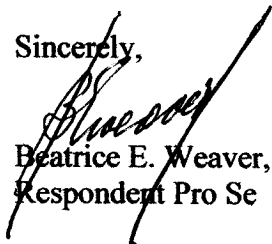
2. Exactly what "procedural matters" are **remaining** that the Commission wishes to be heard ?.
3. Exactly what "Other matters" are or may be to be heard.
4. Exactly what questions concerning "the conduct of the case" are to be heard and ruled on.
5. May the parties file procedural motions relating to the terms of reference and "other matters?" For example, dismissal of the case, or motions to compel production of documents?
6. Do the parties have right of appeal of any decisions by the Hearing Officer?
7. Are due process questions included in the Hearing terms of reference?
8. Where will the Hearings take place?
9. Will the proceedings be recorded?
10. What parties and/or witnesses would or may be present and/or participate in the Hearing?
11. Please mail me a copy of **S.C. Code Ann. Section 58-3-40 (Supp.2005)**.

It is my assumption from the Order, that the merits of the case will be heard by the Commission following the determination of "procedural matters" to be defined. That is my wish.

Finally, pursuant to the Freedom of Information Act, please be so kind and provide me the following information concerning the appointed Hearing Officer:

1. A resume of his professional qualifications, experience, regulatory or judicial background.
2. Relationship of the Hearing Officer if any, to the Commission, individual Commissioners, ORS, and Progress Energy, and their respective staffs.
3. A copy of any and all ex parte communications if any, by and between the Hearing Officer and the Commission, ORS, and Progress Energy relating to this case..

Sincerely,

  
Beatrice E. Weaver,  
Respondent Pro Se

Encl: Letter dated August 31, 2006  
Confirmation copy for legal reference.

cc: PEC

1253 Harllees Bridge Rd  
Dillon S.C. 29536  
Ph/Fax: 843 841 1606

August 31, 2006

Mr. Charles L.A. Terreni  
Chief Clerk/Administrator  
S.C. Public Service Commission  
P.O. Drawer 11649  
Colombia S.C. 29211  
Ph: 1803 896 5113; Fax: 1 803 896 5231

Dear Mr. Terreni:

Subject: Commission Meeting On August 30, 2006;  
Mr. Len Anthony's Letter Dated August 29, 2006.  
Ref: Progress Energy Petition No. 2004-219-E

**This Memorandum is filed for the record in this case.** This afternoon at 4.15.p.m., I received a copy of a letter sent to you by Mr. Anthony, Counsel for Progress Energy. It is dated August 29, 2006. This is the first I have heard that the Commission had on its Agenda to consider appointing a Hearing Officer for my case. I want the Hearing and Mr. Anthony does not, because HE HAS NO CASE AGAINST ME, and he knows it. Mr. Anthony's claim is based entirely on the mis-applied legal theory known as the "doctrine of necessities". As I intend to show to the Commission, applying this theory to his as yet unsubstantiated claims, is erroneous and unconstitutional due to the facts of the case, and the exceptions to the doctrine, as I have informed you all on numerous occasions. The facts of my case shall be brought on and heard before the Commission which to this date has not occurred..

Please note that Mr. Anthony has again deliberately ignored my requests for documentation to substantiate his erroneous claim against me, of which I have duly informed your Office on several occasions for the record. The Commission has done nothing about that situation to date. Thus, be advised that I am filing a Motion to Compel and other related documents shortly.

**Why did I not receive any notice from the Commission about the subject item on the August 30 Agenda? I request to know why, and how Mr. Anthony knew about it, and why I, a S.C. consumer, did not. Please explain in detail and provide any and all copies of any and all ex parte communications subject to later verification under oath by all parties involved.**

As his usual and customary practice, PEC's Len Anthony posted his letter such that I would receive it **after** the August 30 Commission Meeting, and thus I would not have an opportunity to file a response and my objections with the Commission before the 30<sup>th</sup>.

It is one thing for an attorney to repeatedly employ "shyster" tactics as a way of doing business with a government regulatory agency, and quite another for a public State Regulatory agency to aid and abet such practices.